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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,899	02/20/2004	Koji Hisamatsu	Q79852	4218
23373	7590	12/07/2004	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			SMITH, ARTHUR A	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/781,899

Applicant(s)

HISAMATSU, KOJI

Examiner

Arthur A Smith

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/20/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Objections***

Claim 7 is objected to because of the following informalities: Claim 7 recites "the movement member" however there is insufficient antecedent basis for this limitation in the claim. It appears that claim 7 should be dependent on claim 6 and not claim 5 as indicated. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takanashi (US 6450708 B1) in view of Okuda (US 2004/0165108 A1).

In reference to claims 1 and 6, Takanashi discloses a photography device comprising: a lens, ref. 3g; a casing body, ref. 1, including an aperture, ref. 1j, for protrusion and storage of the lens, col. 6 lines 36-42; a lens barrier, ref. 2, which is moveable between an open position for opening the aperture and a closed position for closing the aperture, col. 4 lines 8-24; and a stopper member, ref. 19, which can lock the lens barrier when the lens barrier is at the open position, and which, at a time of lens storage, can move in accordance with the storage and release the locking for allowing movement of the lens barrier toward the closed position due to the urging of the lens barrier-urging member, col. 7 line 63 – col. 8 line 12. Takanashi also discloses a movement member, ref. 1a and 1b. Takanashi does not disclose a lens barrier-urging member which continuously urges the lens barrier toward the closed position. Okuda discloses a camera with a sliding lens barrier in which a lens barrier-urging member continuously urges the lens barrier toward the closed position, paragraph 28. It would have been obvious to one of ordinary skill in the art at the time of the invention to realize that the barrier-urging member taught by Okuda could be applied to the device taught by Takanashi. This would aid in automating the closing of the barrier and thereby making the camera more user friendly.

In reference to claims 2-5, Takanashi discloses a manual grip switch for turning power on and off, wherein the grip switch is moveable at least between a power-on position and a power-off position, wherein the lens barrier moves to the open position in accordance with movement of the grip switch toward the power-on position, wherein the stopper member allows the movement of the lens barrier toward the closed position in

accordance with movement of the grip switch toward the power-off position and storage of the lens, col. 8 line 66 – col. 9 line 30.

In reference to claim 8, Takanashi discloses wherein the stopper member is moveable at least between a locking position for locking the lens barrier and a lock-release position for releasing the locking, col. 5 lines 47-59.

In reference to claims 9 and 10, Takanashi discloses wherein the lens comprises a lens barrel including a boss, ref. 17a, which pushes the stopper member to the lock-release position at the time of lens storage and a retaining member, ref. 17, which, at a time of replacement of the lens, retains the stopper member at a withdrawn position which does not interfere with a lens movement region, col. 7 line 49 – col. 8 line 3.

#### ***Allowable Subject Matter***

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or make obvious the claimed limitation of wherein the movement member comprises a rotating arm which rotates in two opposing directions.

#### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamanaka et al. (US 4736219) discloses a sliding lens barrier in which the barrier incorporates a recess for easing gripping.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur A Smith whose telephone number is (571) 272 2129. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (572) 272 2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arthur A. Smith  
December 2, 2004